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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,699	09/08/2000	Birgit Oppmann	DX01042X	3652

28008 7590 08/27/2002

DNAX RESEARCH, INC.  
LEGAL DEPARTMENT  
901 CALIFORNIA AVENUE  
PALO ALTO, CA 94304

EXAMINER

DECLoux, AMY M

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 08/27/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.



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09/658,699	9-8-2000	Oppman	DX01042X

EXAMINER	
Amy DeCloux	
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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The reply to Restriction requirement filed 6-17-02 (Paper No. 14) is not fully responsive to the prior Office action (restriction) mailed 5/20/02 (Paper No. 13) because of the following omission(s) or matter(s): applicant did not elect a group of claims set forth in said restriction.

Applicants state that the examiner required an election of one of two species:

- I. An IL-B30 subunit(SeQ ID NO:2 or 4): **or**
- II A P40 subunit (murine or mouse).

However the examiner notes that said restriction requirement states **and**, not **or**.

Applicants state that they pointed out in a telephone interview on 6-4-02 that the election of one of the above species is not consistent with claims 51-62 because the claims recite an antigenic epitope dependent on the presence of both polypeptides, ie IL-B30 and p40. However, the examiner points out that the restriction requirement is not between the two polypeptides of IL-B30 and p40. The species requirement is to elect one species of ILB30, such as either SEQ ID NO:2 or SEQ ID NO:4, **and** to also elect one species of mammalian p40 such as one derived from mouse or human.

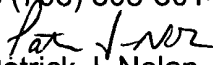
Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE EXTENDABLE MONTH, from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy DeCloux whose telephone number is (703) 306-5821. The examiner can normally be reached Monday through Friday from 9:00 am to 6:00 pm. a message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina

Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

Amy DeCloux, Ph.D.  
Patent Examiner  
Art Unit 1644  
August 26, 2002

  
Patrick J. Nolan, Ph.D.,  
Primary Patent Examiner,  
Group 1640